

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, DECEMBER 1, 2016****Invocation:** Rev. Dr. Mark Nuckols, St. Paul Lutheran Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 1, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Pro Tem Tovo called the Council Meeting to order at 10:08 a.m. Mayor Adler, Council Members Renteria and Troxclair were absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council regular meeting of November 10, 2016, special called of November 16, 2016, discussion of November 17, 2016 and canvassing on November 22, 2016.
The minutes from the City Council regular meeting of November 10, 2016, special called meeting of November 16, 2016, discussion of November 17, 2016 and canvassing on November 22, 2016 were approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
2. Approve issuance of a rebate to Foundation Communities, for performing energy efficiency improvements at the Southwest Trails Apartments located at 8405 Old Bee Caves Road, in an amount not to exceed \$77,064 (District 8).
The motion approving the issuance of a rebate to Foundation Communities was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.
3. Approve issuance of a rebate to Pleasant Valley Villas Housing LP, for energy efficiency improvements at the Rosemont at Oak Valley Apartments located at 2800 Collins Creek Drive, in an amount not to exceed \$281,259 (District 3).
The motion approving the issuance of a rebate to Pleasant Valley Villas Housing LP was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

4. Approve an ordinance authorizing negotiation and execution of a Developer Participation Agreement with Catellus Austin, LLC, for construction services associated with chilled water utilities to serve additional facilities at Mueller, in an amount not to exceed \$3,536,500.
Ordinance No. 20161201-004 was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
5. Authorize recurring expenditures for electronic subscriptions and professional dues and memberships with multiple agencies and vendors in an amount not to exceed \$619,000.
The motion authorizing recurring expenditures for electronic subscriptions and professional dues and memberships was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
6. Authorize the negotiation and execution of an amendment to a cost reimbursement agreement with Davey L. Buratti and John M. Buratti to increase the amount of City cost reimbursement by \$2,446,791.75 for a total reimbursement amount not to exceed \$3,207,082.05 for costs associated with the design and construction of oversized wastewater mains and appurtenances that will provide wastewater service to a proposed single-family and multi-family development located south and west of Bradshaw Road and south of Country Down Drive.
The motion authorizing the negotiation and execution of an amendment to a cost reimbursement agreement with Davey L. Buratti and John M. Buratti was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
7. Authorize the negotiation and execution of an agreement with OSF West Fifth, LP for the City to reimburse the developer in an amount not to exceed \$67,275.00 for costs associated with the design and construction of an oversized water main and appurtenances that will provide water service to a proposed commercial development located at 1411 W 5th Street. (District 9)
The motion authorizing the negotiation and execution of an agreement with OSF West Fifth, LP was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
8. Authorize execution of an amendment to the Indefinite Delivery/Indefinite Quantity construction services contract with BILFINGER WESTCON, INC., for chilled water piping construction in plants and on customer sites, increasing the spending authorization to \$10,000,000 for the initial term of 24 months with one 24-month extension option up to \$3,500,000 for a total contract amount not to exceed \$13,500,000. (Notes: This was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.94% MBE and 1.24% WBE participation.)
The motion authorizing execution of an amendment to the construction services contract with Bilfinger Westcon, Inc. was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
9. Authorize execution of a construction contract with INSITUFORM TECHNOLOGIES, LLC, for the Wastewater Collection System Rehabilitation of Lines - Group A project in the amount of \$981,400 plus a \$98,140 contingency, for a total contract amount not to exceed \$1,079,540. (Districts 1, 3, 4, 8, 9, and 10) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise

Procurement Program) by meeting the goals with 5.20% MBE and 6.44% WBE subcontractor participation.)

The motion authorizing execution of a construction contract with Insituform Technologies, LLC was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

10. Authorize additional funding for the New Central Library Project Construction Manager at Risk Contract with HENSEL PHELPS CONSTRUCTION COMPANY in the amount of \$5,550,000, for a revised contractual Construction Cost Limitation not to exceed amount of \$126,605,934, for the construction of the New Central Library and Related Improvements including 2nd Street Bridge, Utilities, Roadway Improvements, Shoal Creek Greenbelt Improvements, and the Seaholm Substation Art Wall. (District 9) (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 7.69% MBE and 3.02% WBE participation to date. Current and Future work packages for Construction Phase Services MBE/WBE goals are: 2.07% African American; 7.26% Hispanic; 0.80% Native/Asian; and 2.44% WBE.)

This item was postponed to December 8, 2016 on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

11. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD, for the South Austin Regional Wastewater Treatment Plant Thickener Improvements project in the amount of \$7,193,700 plus a \$359,685 contingency, for a total contract amount not to exceed \$7,553,385. (District 2) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 19.19% MBE and 3.37% WBE subcontractor participation.)

The motion authorizing execution of a construction contract with Matous Construction, LTD was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

12. Authorize negotiation and execution of an amendment to the Indefinite Delivery/Indefinite Quantity contract with PEABODY CONSTRUCTION, INC. for the Facilities and Force Main Services Indefinite Delivery/Indefinite Quantity-Rebid contract in the amount of \$1,252,665 for a total contract amount not to exceed \$15,580,202. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.39% MBE and 65.94% WBE participation.)

This item was postponed to December 15, 2016 on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

13. Authorize negotiation and execution of an amendment to the professional services agreement with KENNEDY/JENKS CONSULTANTS, INC. for construction phase services for the Parmer Lane Interceptor project in the amount of \$3,300,000 for a total contract amount not to exceed \$6,800,000. (District 6) Related to Item #14. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.00% MBE and 16.00% WBE participation.)

The motion authorizing negotiation and execution of an amendment to the professional services agreement with Kennedy/Jenks Consultants, Inc. was approved on consent on

Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

14. Authorize execution of a construction contract with SJ LOUIS CONSTRUCTION OF TEXAS, LTD for the Parmer Lane Interceptor project, in the amount of \$24,878,484 plus a \$2,487,848 contingency, for a total contract amount not to exceed \$27,366,332. (District 6) Related to Item #13. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.31% MBE and 0.81% WBE participation.)
The motion authorizing execution of a construction contract with SJ Louis Construction of Texas, LTD was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
15. Authorize negotiation and execution of a 24-month agreement with Capital Area Food Bank, Inc. beginning on January 1, 2017, for the provision of Supplemental Nutrition Food Assistance Program outreach and enrollment services in an amount not to exceed \$200,000.
The motion authorizing negotiation and execution of an agreement with Capital Area Food Bank, Inc. was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
16. Authorize negotiation and execution of an agreement with Asian Family Support Services of Austin for an 18-month term to provide job training, financial literacy, education and basic needs services beginning January 1, 2017, in an amount not to exceed \$75,000.
The motion authorizing negotiation and execution of an agreement with Asian Family Support Services of Austin was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.

Items 17 through 20 were pulled for discussion.

21. Approve a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Harris Ridge Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at the southwest corner of Howard Lane and Dessau Road and adjacent to a development serving similar households and that has also received Housing Tax Credits in the last three years. (District 7)
Resolution No. 20161201-021 was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
22. Approve a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Govalle Affordable Housing, L.P., an affiliate of the Cesar Chavez Foundation, for the new construction of an affordable multi-family development to be located near Shady Lane and Jain Lane within the thinkEAST Planned Unit Development. (District 3)
Resolution No. 20161201-022 was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.

Items 23 through 25 were pulled for discussion.

26. Authorize award and execution of a 12-month contract with TRAFFIC LOGIX CORP., to provide rubber speed cushions and rubber curbs, in an amount not to exceed \$400,000, with two 12-month extension options in an amount not to exceed \$200,000 per extension option, for a total contract amount not to exceed \$800,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)
The motion authorizing award and execution of a contract with Traffic Logix Corp. was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
27. Authorize negotiation and execution of five contracts through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) for vehicles and equipment with CHASTANG ENTERPRISES, INC. DBA CHASTANG FORD in an amount not to exceed \$236,254, MAGNUM CUSTOM TRAILER MFG CO, INC. in an amount not to exceed \$72,630, TEXAN WASTE EQUIPMENT, INC. DBA HEIL OF TEXAS in an amount not to exceed \$1,559,002, LONGHORN INTERNATIONAL TRUCKS, LTD. in an amount not to exceed \$1,202,250, and SILSBEE FORD, INC. in an amount not to exceed \$4,753,185, for a total amount not to exceed \$7,823,321. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities identified; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of five contracts through the Texas Local Government Purchasing Cooperative (Buyboard) with Chastang Enterprises, Inc. doing business as Chastang Ford, Magnum Custom Trailer MFG Co, Inc., Texan Waste Equipment, Inc. doing business as Heil of Texas, Longhorn International Trucks, LTD., and Silsbee Ford, Inc. was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
28. Authorize negotiation and execution of four contracts through the HOUSTON-GALVESTON AREA COUNCIL cooperative purchasing program for vehicles with CHASTANG ENTERPRISES DBA CHASTANG FORD in an amount not to exceed \$168,364, FRAZER, LTD. in an amount not to exceed \$92,100, SANTEX TRUCK CENTER, LTD. in an amount not to exceed \$94,271, and SIDDONS-MARTIN EMERGENCY GROUP, LLC in an amount not to exceed \$6,687,198, for a total amount not to exceed \$7,041,933. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities identified; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of four contracts through the Houston-Galveston Area Council cooperative purchasing program with Chastang Enterprises doing business as Chastang Ford, Frazer, LTD., Santex Truck Center, LTD., and Siddons-Martin Emergency Group, LLC was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.

29. Authorize award and execution of a 60-month contract with BCYCLE, LLC, to expand the Bike-Share Program, for a total contract amount not to exceed \$805,033. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no available certified firms; therefore, no subcontracting goals were established.)
The motion authorizing award and execution of a contract with Bicycle, LLC was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
30. Authorize negotiation and execution of a 48-month contract with RJN GROUP, INC., or one of the other qualified offerors to Request For Proposals EAD0128, to provide wastewater flow monitoring services, in an amount not to exceed \$5,200,000, with four 12-month extension options in an amount not to exceed \$1,350,000 per extension option, for a total contract amount not to exceed \$10,600,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with RJN Group, Inc. was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
31. Authorize award and execution of a 36-month contract with PRINTMAILPRO.COM, to provide citywide printing services, in an amount not to exceed \$1,511,721, with three 12-month extension options in an amount not to exceed \$503,907 per extension option, for a total contract amount not to exceed \$3,023,442. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing award and execution of a contract with Printmailpro.com was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.
32. Authorize negotiation and execution of a contract through the STATE OF TEXAS PROCUREMENT AND SUPPORT SERVICE cooperative purchasing program with EVENFLO, for child passenger safety seats, in an amount not to exceed \$60,000. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there was insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract through the State of Texas Procurement and Support Service cooperative purchasing program with Evenflo was approved on consent on Council Member Pool's motion, Council Member Gallo's second on a 7-0 vote. Council Member Zimmerman abstained. Mayor Adler, Council Members Renteria and Troxclair were absent.

33. Authorize negotiation and execution of a 12-month contract with JOHN L. WORTHAM & SON, L.P. DBA WORTHAM INSURANCE AND RISK MANAGEMENT, to provide excess liability insurance broker services and coverage, in an amount not to exceed \$976,198, with six 12-month extension options in an amount not to exceed \$1,025,008 for the first extension option, \$1,055,758 for the second extension option, \$1,087,431 for the third extension option, \$1,120,054 for the fourth extension option, \$1,153,656 for the fifth extension option and \$1,188,266 for the sixth extension option, for a total contract amount not to exceed \$7,606,371. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with John L. Wortham & Son, L.P. doing business as Wortham Insurance and Risk Management was approved on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

Items 34 and 35 were pulled for discussion.

36. Authorize negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority for the establishment of a public plaza and a permanent downtown rail station on 4th Street, between Red River Street and Trinity Street, and to conduct the necessary process to establish two-way traffic on 5th Street between IH 35 and Brazos Street.
This item was postponed to December 15, 2016 on consent on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

Action was taken on item 37 but was reconsidered later in the meeting.

38. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Del Valle 969 Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at 14011 FM 969, in the Extraterritorial Jurisdiction of the City of Austin. (Suggested date and time: December 15, 2016 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for December 15, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
39. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Atlantic Housing Foundation, Inc., or an affiliated entity, for the new construction of an affordable multi-family development to be located at 1621 Fish Lane. (District 7) (Suggested date and time: December 15, 2016 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for December 15, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
40. Set a public hearing to consider an ordinance establishing contract electric rates for certain State of Texas facilities. (Suggested date and time: December 8, 2016, beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for December 8, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

Item 41 was a Closed Public Hearings Item.

Items 42 and 43 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 44 through 48 were Executive Session Items.

Item 49 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 50 through 57 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

24. Authorize the consent to a partition, partial assignment and assumption of a lease agreement between The Austin Symphony Orchestra Society and Waller Creek Conservancy relating to an existing long-term lease on Symphony Square, located at 1101 Red River. (District 1)
This item was postponed to January 26, 2017 on Council Member Houston's motion, Council Member Zimmerman's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

41. C7a-2016-0009 – Wildhorse/Webb Tract – Approve an ordinance to annex the Wildhorse/Webb Tract annexation area (approximately 104 acres in eastern Travis County at the northeastern corner of the intersection of Decker Lane and Lindell Lane; contiguous to District 1). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON NOVEMBER 3 AND 10, 2016.
Ordinance No. 20161201-041 was approved on Council Member Houston's motion, Council Member Pool's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

Items 42 and 43 were acted on in a combined motion.

42. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.
This item was postponed to December 8, 2016 on Council Member Zimmerman's motion, Council Member Houston's second on a 7-0 vote. Mayor Pro Tem Tovo recused herself. Mayor Adler, Council Members Renteria and Troxclair were absent.

43. C14-2016-0077 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarred Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to December 8, 2016 on Council Member Zimmerman's motion, Council Member Houston's second on a 7-0 vote. Mayor Pro Tem Tovo recused herself. Mayor Adler, Council Members Renteria and Troxclair were absent.

DISCUSSION ITEMS CONTINUED

19. Approve a settlement payment in Aigner et al v. City of Austin, Cause No. D-1-GN-12-003451, in the 53rd Judicial District for Travis County, Texas.

The motion to settle the above references lawsuit, by authorizing the City to pay an amount not to exceed \$6,780,500 was approved on Council Member Pool's motion, Council Member Houston's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

Action was taken on item 17 but was reconsidered later in the meeting.

Items 34 and 35 were acted on in a combined motion.

34. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Lamar Boulevard between Parmer Lane and Morrow Street.

This item was postponed to February 9, 2017 on Council Member Pool's motion, Council Member Casar's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

Direction to staff was given to discuss with TXDOT to determine whether existing speed limits on Lamar Boulevard and Parmer Lane, within the study areas, can be lowered by an additional five miles per hour, how to use the limits to promote pedestrian and vehicle safety, and if other criteria can be used besides the 85th percentile in determining speed limits. In addition, staff was directed to notify Council if the February postponement date interfered with any existing pedestrian beacon improvements scheduled in these areas.

35. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Parmer Lane between Lamar Boulevard and east of Dessau Road.

This item was postponed to February 9, 2017 on Council Member Pool's motion, Council Member Casar's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

Direction to staff was given to discuss with TXDOT to determine whether existing speed limits on Lamar Boulevard and Parmer Lane, within the study areas, can be lowered by an additional five miles per hour, how to use the limits to promote pedestrian and vehicle

safety, and if other criteria can be used besides the 85th percentile in determining speed limits. In addition, staff was directed to notify Council if the February postponement date interfered with any existing pedestrian beacon improvements scheduled in these areas.

25. Authorize the negotiation and execution of an interlocal agreement with the University of Texas at Austin to provide special events services on an as-needed basis.
The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on Council Member Houston's motion, Council Member Zimmerman's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
23. Approve an ordinance vacating an alley right-of-way located south of West 5th Street between Paul Street and Pressler Street of approximately 2,051 square feet to Matthews-Barnes Brothers Investments LP and approximately 1,022 square feet to Duchy East, LLC (District 9).
Ordinance No. 20161201-023 was approved on Council Member Garza's motion, Council Member Pool's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
20. Approve a resolution confirming the Interim City Manager's appointment of Assistant Chief of Police Brian Manley as Interim Chief of Police effective December 1, 2016.
Resolution No. 20161201-020 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.
18. Approve a resolution amending the City's Personnel Policies to revise definitions regarding discrimination, harassment, sexual harassment, retaliation, and employee conduct.
Resolution No. 20161201-018 was approved as amended below on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

The amendments were to revise the following Sections in Exhibits A and B to read:

2. Harassment

The City is committed to providing a work environment that is free of harassment. Harassment is unwelcome verbal or physical conduct toward an individual or a group because of a protected class. Harassment can create a hostile work environment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. An adverse action taken against an employee for filing a discrimination charge, testifying or participating in an investigation, proceeding, or lawsuit, or for opposing discriminatory employment practices is retaliation under Section I.4. Employees who engage in such conduct will be subject to discipline, up to and including discharge.

Employees shall not engage in conduct which could reasonably create a hostile work environment while on duty or on City premises, to include any work-related setting outside the workplace, such as business trips and professional conferences, etc. Such conduct will not be tolerated and may result in disciplinary action up to and including discharge.

Supervisors or managers receiving complaints of such harassment are expected to take

appropriate action to stop the alleged conduct and to make departmental Human Resources aware of such complaints and/or conduct without undue delay. If an investigation shows evidence of harassment, the supervisors, or managers shall take immediate and appropriate corrective action.

Prohibited Conduct:

This list of prohibited conduct is meant to give some examples of behavior that constitutes harassment and is not a complete list of conduct prohibited under this policy.

- a. Use of epithets, innuendos, names, comments, foul language or slurs because of an individual's protected class;
- b. Jokes, pranks or other banter, including stereotyping based on a protected class; or,
- c. Distribution, display, viewing, downloading or discussion of any written or graphic material, including online content, voicemail, e-mail, text-messages, calendars, posters and cartoons, that are sexually suggestive or show hostility toward an individual or group based on protected class.

4. Retaliation

The City is committed to maintaining a work environment that is free from retaliation and where an employee is free to raise a question or concern involving the terms and conditions of any employee's employment.

Retaliation is defined as an action or inaction that adversely affects the terms and conditions of employment, and is taken in response to an employee's good faith complaint, participation in an investigation, proceeding or hearing, exercise of rights or availing themselves of any benefit authorized under the personnel policies. An adverse employment action includes, but is not limited to, discharge, demotion, and denial of promotional opportunity.

The City prohibits the taking of any adverse employment action against an employee who, in good faith, reports discrimination, harassment, or retaliation; files a complaint regarding a law, policy, practice or procedure, testifies, assists or participates in an investigation, proceeding, or hearing, or exercises rights or avails themselves of any benefit authorized under the personnel policies, such as filing a worker's compensation claim, requesting Family and Medical Leave (FML), or requesting military leave.

Unacceptable conduct that would likely deter an individual from reporting or supporting a claim may constitute retaliation. Retaliation can occur even if the underlying complaint is not substantiated.

5. Reporting Discrimination, Harassment or Retaliation

City of Austin employees are expected and encouraged to promptly raise questions and concerns regarding alleged violations of City policy or local, State or Federal law. Promptly raising questions and/or concerns allows the opportunity for such concerns to be addressed quickly and can assist in preventing problems from occurring or escalating.

Any employee who believes that they have been subjected to discrimination, or harassment based on a protected class or retaliation based on a protected activity is encouraged to report it to any supervisor, manager, Department Director, Officer, or any Executive or Department Human Resources representative and/or make an anonymous or

named complaint to the Integrity Unit in the Office of the City Auditor. An employee is not required to follow the “chain of command” when reporting harassment, discrimination or retaliation, but instead may file a complaint directly with the Director of Human Resources or the Employee Relations Division.

Any supervisor or manager who receives a complaint of such conduct must without undue delay notify their Department Human Resources, the Department Director or the Human Resources Department so that an investigation into the allegations may be commenced. If the investigation confirms evidence of harassment, the supervisors or managers shall take immediate and appropriate corrective action. Failure to notify departmental Human Resources may result in discipline up to and including discharge. A prompt evaluation of the complaint shall be conducted to determine the appropriate course of action.

No employee shall suffer discrimination, harassment or retaliation as a result of good faith reporting of any City policy violation or participation in the investigation of a complaint.

B. EMPLOYEE CONDUCT

Employees who are on duty are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity. Unacceptable personal conduct is behavior by an employee that is incompatible with the City’s values. The City will not tolerate behavior or language that is disruptive, unprofessional, offensive, threatening and/or disrespectful including, but not limited to, horseplay, gossip, profanity, the mishandling of information, or communication that is untrue or inappropriate in a professional work environment.

The City of Austin defines bullying as persistent conduct that is malicious, or unwelcome, that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, non-verbal, physical, psychological, or otherwise. Conduct of such a nature, that a reasonable person would find inappropriate, offensive, and unrelated to the employer's legitimate business interests, shall not be tolerated and is in violation of this policy. This policy applies to conduct while on duty or on City premises and work-related settings outside the workplace.

The intent of this policy is to make a clear statement that unprofessional behavior, bullying behavior, abusive or threatening behavior will not be tolerated in the workplace.

Employees are encouraged to constructively address appropriate workplace issues directly with their colleagues. Employees seeking to file a complaint regarding a potential violation of Employee Conduct, or any other City policy, are encouraged to contact any member of their management chain or Human Resources staff.

In addition to the provisions in these policies, employees are responsible for complying with any other federal and state laws or regulations or local ordinances governing their conduct. This includes, but is not limited to, the City Charter, City Code Sections 2-7-62 through -66 (Standards of Conduct, Prohibition on Conflict of Interest, Disclosure of Conflict of Interest, Substantial Interest of Relative and Misuse of Official Information. See also, MCS Rule 6.02(B)(4)).

Exhibit B.**2. Harassment**

The City is committed to providing a work environment that is free of harassment.

Harassment is unwelcome verbal or physical conduct toward an individual or a group because of a protected class. Harassment can create a hostile work environment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. An adverse action taken against an employee for filing a discrimination charge, testifying or participating in an investigation, proceeding, or lawsuit, or for opposing discriminatory employment practices in retaliation under Section I.4. Employees who engage in such conduct will be subject to discipline, up to and including discharge.

Employees shall not engage in conduct which could reasonably create a hostile work environment while on duty or on City premises, to include any work-related setting outside the workplace, such as business trips and professional conferences, etc. Such conduct will not be tolerated and may result in disciplinary action up to and including discharge.

Supervisors or managers receiving complaints of such harassment are expected to take appropriate action to stop the alleged conduct and to make departmental Human Resources aware of such complaints and/or conduct without undue delay. If the investigation shows evidence of harassment, the supervisors or managers shall take immediate and appropriate corrective action.

Prohibited Conduct:

This list of prohibited conduct is meant to give some examples of behavior that constitutes harassment and is not a complete list of conduct prohibited under this policy.

- a. Use of epithets, innuendos, names, comments, foul language or slurs because of an individual's protected class;
- b. Jokes, pranks or other banter, including stereotyping based on a protected class; or,
- c. Distribution, display, viewing, downloading or discussion of any written or graphic material, including online content, voicemail, e-mail, text-messages, calendars, posters and cartoons, that are sexually suggestive or show hostility toward an individual or group based on protected class.

5. Reporting Discrimination, Harassment or Retaliation

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retaliation, but instead may file a complaint directly with the Director of Human Resources or the Employee Relations Division.

Any supervisor or manager who receives a complaint of such conduct must, without delay, notify their Department Human Resources, the Department Director or the Human Resources Department so that an investigation into the allegations maybe commenced. If the investigation confirms evidence of harassment, the supervisors or managers hall take immediate and appropriate corrective action. Failure to notify departmental Human Resources may result in discipline up to and including discharge. A prompt evaluation of the complaint shall be conducted to determine the appropriate course of action.

No employee shall suffer discrimination, harassment or retaliation as a result of good faith reporting of any City policy violation or participation in the investigation of a complaint.

B. EMPLOYEE CONDUCT

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37. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.

The following appointments and certain related waivers were approved on consent on Council Member Pool’s motion, Council Member Gallo’s second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

A motion to reconsider item 37 was approved on Council Member Kitchen’s motion, Council Member Zimmerman’s second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

The motion approving the following appointments and certain related waivers and to postpone approving the Environmental Commission bylaws to December 8, 2016 were approved on Council Member Kitchen’s motion, Council Member Pool’s second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.

Nominations

Board/Nominee	Nominated by
Historic Landmark Commission Kevin Koch	Council Member Renteria
Impact Fee Advisory Committee Lottie Dailey	Mayor Adler
Impact Fee Advisory Committee Bobak Tehrany	Mayor Adler
Land Development Code Advisory Group Steven Zettner	Council Member Pool

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Lottie Dailey. The waiver allows his simultaneous service on the Community Development Commission, Municipal Civil Service Commission and Impact Fee Advisory Committee.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Tanisa Bernard on the Downtown Austin Community Court Advisory Committee. The waiver includes absences through today’s date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of John Kiracofe on the Building & Fire Code Board of Appeals. The waiver includes absences through today’s date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Matt Stillwell on the Arts Commission. The waiver includes absences through today’s date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Guillermo Villarreal on the Commission on Veterans Affairs. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Kuo Yang on the Human Rights Commission. The waiver includes absences through today's date.

17. Approve an ordinance amending Exhibit A to the Fiscal Year 2016-2017 City of Austin Fee Schedule (Ordinance 20160914-003) to include fees for Central Preparation Facility Registrations and One Day/One Booth Temporary Food Permits, to reactivate fees related to information and certain records requests, and to correct a clerical error to the \$25.00 fee for vending machine permits.

The motion to approve the ordinance was approved on Council Member Houston's motion, Council Member Garza's second on a 6-1 vote. Council Member Zimmerman voted nay. Council Member Pool was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.

A motion to reconsider item 17 was approved on Council Member Houston's motion, Council Member Garza's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

Ordinance No. 20161201-017 was approved on Council Member Garza's motion, Council Member Houston's second on a 7-1 vote. Council Member Zimmerman voted nay. Mayor Adler, Council Members Renteria and Troxclair were absent.

Mayor Pro Tem Tovo recessed the meeting at 11:44 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

44. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
45. Discuss legal issues related to Ketty Sully v. City of Austin et al, Cause No. 1:16-CV-00818, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel—Section 551.071 of the Government Code) (Related to February 8, 2016 officer-involved shooting).
This item was withdrawn without objection.
46. Discuss legal issues related to Breacion King v. Officer Bryan Richter et al, Cause No. 1:16-cv-01020, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel—Section 551.071 of the Government Code).
This item was withdrawn without objection.

47. Discuss legal issues related to the acquisition of an interest in real property located at (1) 110 East 9th Street, (2) the northwest corner of Doris Drive and Hathaway Drive, (3) 1111 West 6th Street, (4) 3908 Avenue B, (5) the northeast corner of Jackie Robinson Street and Tannehill Lane, (6) the southeast portion of 411 East Alpine Road, (7) the east portion of 5101 East 51st Street, (8) 4806 Trail West Drive, (9) 4900 Gonzales Street, and (10) the southwest corner of US Highway 183 and Loyola Lane (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

48. Discuss the acquisition of an interest in real property located at (1) 110 East 9th Street, (2) the northwest corner of Doris Drive and Hathaway Drive, (3) 1111 West 6th Street, (4) 3908 Avenue B, (5) the northeast corner of Jackie Robinson Street and Tannehill Lane, (6) the southeast portion of 411 East Alpine Road, (7) the east portion of 5101 East 51st Street, (8) 4806 Trail West Drive, (9) 4900 Gonzales Street, and (10) the southwest corner of US Highway 183 and Loyola Lane (Real property - Section 551.072 of the Government Code).

This item was withdrawn without objection.

Mayor Pro Tem Tovo reconvened the meeting at 12:00 noon.

CITIZENS COMMUNICATIONS: GENERAL

Ed English – Austin State Hospital.

Pinaki Ghosh – Neighborhood Contact Teams.

Claudia Ramirez – Presenting “Si Se Puede Learning Center” to the City. – **Not present.**

Robert Rangel – A claim with the Police Department.

Michael Smith – Safety concerns on 6th street.

Gwendolyn Hill Webb – City of Austin contracting experiences. – **Not present.**

Mayor Pro Tem Tovo recessed the meeting at 12:18 p.m.

Mayor Pro Tem Tovo recessed the Council Meeting and called the Board of Directors’ Meeting of the Austin Housing Finance Corporation to order at 3:38 p.m. See separate minutes.

49. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

Mayor Pro Tem Tovo called the Council Meeting back to order at 4:00 p.m.

PUBLIC HEARINGS

56. Conduct a public hearing and consider an appeal of an outdoor music venue permit, approved by the Development Services Department, for the Scoot Inn at 1308 E. 4th Street.

This item was withdrawn without objection.

50. Conduct a public hearing and consider an ordinance regarding the Estancia Hill Country Public Improvement District 2017 assessment roll and authorizing the levying of the 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-050 was approved on Council Member Houston's motion, Council Member Casar's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
51. Conduct a public hearing and consider an ordinance regarding the Indian Hills Public Improvement District 2017 assessment roll and authorizing the levying of the 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-051 was approved on Council Member Pool's motion, Council Member Garza's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
52. Conduct a public hearing and consider an ordinance regarding the Whisper Valley Public Improvement District 2017 assessment roll and authorizing the levying of the 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-052 was approved on Council Member Pool's motion, Council Member Garza's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
53. Conduct a public hearing and consider an ordinance regarding the Austin Downtown Public Improvement District 2017 assessment roll and authorize the levying of 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-053 was approved on Council Member Pool's motion, Council Member Houston's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
54. Conduct a public hearing and consider an ordinance regarding the East Sixth Street Public Improvement District 2017 assessment roll and authorize the levying of 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-054 was approved on Council Member Pool's motion, Council Member Garza's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
55. Conduct a public hearing and consider an ordinance regarding the South Congress Preservation and Improvement District 2017 assessment roll and authorize the levying of 2017 assessments. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161201-055 was approved on Council Member Houston's motion, Council Member Pool's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**
57. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Harris Ridge Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at the Southwest corner of Howard Lane and Dessau Road. (District 7) **The public hearing was conducted and a motion to close the public hearing was approved on Council Member Pool motion, Council Member Casar's second on a 7-0 vote. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.**

Resolution No. 20161201-057 was approved on Council Member Pool's motion, Council Member Casar's motion on a 6-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was off the dais. Mayor Adler, Council Members Renteria and Troxclair were absent.

Mayor Pro Tem Tovo adjourned the meeting at 4:11 p.m. without objection.

LIVE MUSIC

Folk Uke

PROCLAMATIONS

Proclamation – Colony Park Sustainable Communities Initiative Day – To be presented by Council Member Ora Houston and to be accepted by Laura Toups, Vice President, Urban Design Group

Proclamation – Austin Roll and Stroll Day – To be presented by Council Member Ann Kitchen and to be accepted by Pat Thomas

Presentation - White House Task Force on New Americans Letter of Appreciation - To be presented by Shahram Jamali and Rosha Teimuri of the Austin Career Institute and to be accepted by Mayor Steve Adler and Council Member Leslie Pool

Proclamation - Shop Local for the Holidays – To be presented by Council Member Leslie Pool and to be accepted by Rebecca Melancon, Austin Independent Business Alliance

Certificates of Congratulations – Business Skills Certification graduates – To be presented by Mayor Steve Adler and to be accepted by Sylvania Holt-Rabb and the course graduates

Presentation – Insurance Services Office recognition of Public Protection Class 1 for the Austin Fire Department and Austin Water Utility – To be presented by State Fire Marshal Chris Connealy and to be accepted by Mayor Steve Adler

Proclamation – Bettie Meshack Mann Day – To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by the honoree

The minutes were approved on this the 8th day of December 2016 on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Mayor Pro Tem Tovo was absent.